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# NYNEX

June 24, 1993

**Abstract**

EX PARTE

JUN 24 1993

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: CC Docket No. 93-36

Dear Ms. Searcy:

Today, Mr. J. Donovan, Mr. J. Bosley, Mr. A. Cort and I, representing the NYNEX Telephone Companies, met with Ms. D. Lampert, Mr. D. Gonzalez, and Mr. C. Libertelli of the Policy

**TARIFF FILING REQUIREMENTS TO PROMOTE  
FAIR COMPETITION AMONG  
"DOMINANT" AND "NON-DOMINANT" CARRIERS**

**NYNEX  
JUNE 24,1993**

**Equality and Fairness have been debated between "Dominant" and "Non-Dominant" Carriers in the Policy Division's Forbearance Proceedings...**

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- **NYNEX Comments In CC 93-36**

**"Further Streamlining of tariff filing requirements for non-dominant carriers is not consistent with the Communications Act nor is it in the Public Interest."**

- **One Day Notice Period**

- **Eliminates pre-effective tariff review**
- **Could result in non-compliance with the Commission's rules**
- **Is not in the Public Interest**

**- Commission, customers and competitors denied meaningful information on CAP prices**

**The "Dominant / Non-dominant" dichotomy may no longer be relevant because...**

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- **MFS' total revenue growth : \$500k - 1989; \$100m - 1992**
- **MFS' network growth : 74% per year since 1988**
- **Teleport's network growth: 110% per year since 1988**
- **The significant financial resources they have**
- **Intense competition in NYNEX region, which has grown faster than in the rest of the nation**

**The "Dominant / Non-dominant" dichotomy may no longer be relevant because...**

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● **CAPs have a significant share of selected markets**

**- 40% of high capacity special access in New York in 1991**

**• 40% in Chicago**

**- Teleport alone, had gained 26% of DS1 POP to customer premises in 1992**

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**There is no one "dominant" competitor in these market segments...**

**And, the Commission's pro-competitive public policy gives CAPs advantages which argue for equity in tariff requirements...**

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- **Special and Switched Access Expanded Interconnection, Local Transport**
- **Intense competition is being promoted**
- **LECs prevented from reacting quickly to competition**
- **LECs "in the dark" on competitors prices**

To promote equity and fair competition between "dominant" and "non-dominant" carriers NYNEX proposes the Commission consider...

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Streamlined tariffing rules for all carriers and applied to all